

Louis Flores  
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04 October 2017

Hon. Colleen McMahon, Chief U.S. District Judge,  
United States District Court - Southern District of New York,  
500 Pearl Street,  
New York, New York 10007-1312.

Hon. John Koeltl, U.S. District Judge,  
United States District Court - Southern District of New York,  
500 Pearl Street,  
New York, New York 10007-1312.

Dear Hon. Judges McMahon and Koeltl :

**Re : Louis Flores v. United States Department of Justice  
No. 17-CV-0036 (Koeltl, J.)**

I have expressed serious concerns that the Hon. Judge Koeltl's impartiality might reasonably be questioned, given statements he made at the Initial Conference of the Parties, during which the Hon. Judge Koeltl stated that protecting the reputation of the Defendant would be a factor in his decision whether the Defendant would be ordered to comply with FOIA or to answer the FOIA Request that is the subject of this civil litigation, and given his attitudes and treatment of vocal advocates for politics or causes that are opposed by Defendant. (Dkt. No. 25). The expression of concern was clear : "Because of the Hon. Judge Koeltl's stated bias against *pro se* Plaintiff, because Plaintiff has not ruled out launching another activism campaign before this matter is settled, and because of the Hon. Judge Koeltl's bias against activists, generally, Plaintiff respectfully requests that, if Defendant is allowed to commence dispositive motion practice, then Her Honour should, in the interest of justice, reassign this case to another U.S. District Court Judge, so that *pro se* Plaintiff is not prejudiced during dispositive motion practise." The Court responded to Plaintiff's concerns by not responding to Plaintiff's concerns and by scheduling a Court Conference. (Dkt. No. 26). Defendant has informed Plaintiff that the Government intends to propose a briefing schedule to commence dispositive motion practice. Consequently, Plaintiff requests an adjournment of the Court Conference currently set for Tuesday, 10 October 2017 at 3 p.m., to allow Plaintiff to file Notice of Appeal, so that a determination can be made about Plaintiff's Request that this case be reassigned to a U.S. District Court Judge, *who won't put in the fix*.

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Hon. Chief Judge Colleen McMahon

Hon. U.S. District Judge Koeltl

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Furthermore, Plaintiff's Landlady, Rosalind Spodek, widow of "Dracula Landlord" Leonard Spodek, is taking Plaintiff to Queens Housing Court on Wednesday, 11 October 2017, and Plaintiff, who is appearing *pro se* and *in forma pauperis* in this FOIA litigation, needs time to find a *pro bono* attorney for the Queens Housing Court action and/or other assistance to help him not be evicted from his apartment.

Therefore, Plaintiff requests an adjournment of the Court Conference presently scheduled for Tuesday, 10 October 2017, for procedural reasons (to give Plaintiff time to file a Notice of Appeal) and for humanitarian reasons (to give Plaintiff a chance to try to save his apartment from the retaliatory actions of his Landlady and her managing agent, Herbert Donner).

Respectfully submitted,



Louis Flores

cc :    Rebecca Tinio, Assistant U.S. Attorney (*via* E- Mail only)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOUIS FLORES,

*Plaintiff,*

17-CV-0036 (JK)

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,

*Defendant.*

**AFFIRMATION  
OF SERVICE**

I, LOUIS FLORES, declare under penalty of perjury that I have served a copy of the attached PLAINTIFF'S LETTER REQUEST FOR ADJOURNMENT AND NOTIFICATION OF INTENT TO FILE A NOTICE OF APPEAL by E-MAIL to : REBECCA.TINIO@USDOJ.GOV upon the following party : Rebecca Tinio, Esq., c/o United States Attorney's Office, Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York 10007.

Dated : Jackson Heights, New York  
04 October 2017



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